IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

CANDY L. S.,)
Plaintiff,)
vs.) Case No. 3:24-cv-353-DWD
COMMISSIONER OF SOCIAL)
SECURITY,	
Defendant.)

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is the Joint Motion to Award Attorney Fees and Expenses. (Doc. 29). The parties agree the Court should enter an order granting Plaintiff \$7,250.00 in attorney fees and expenses in full satisfaction of any and all claims that may be payable to her under the Equal Access to Justice Act ("EAJA"). *See* 28 U.S.C. § 2412(d).¹

The parties request that the Court find any fees paid belong to Plaintiff—not to Plaintiff's attorney—and can be offset to satisfy any preexisting debt Plaintiff owes to the United States of America. *See Astrue v. Ratliff*, 560 U.S. 586, 593 (2010) (holding subsection (d)(1)(A) of § 2412 awards attorney fees and expenses to the litigant, subjecting the attorney fees and expenses to a federal administrative offset for federal debts owed). It is also notable that the Joint Motion indicates Plaintiff's attorney has provided Defendant with the assignment of EAJA fees that was executed by Plaintiff. (Doc. 29, pg. 2 n. 2). If

¹To the extent Plaintiff seeks costs, she shall do so separately. (Doc. 29, pg. 1).

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Plaintiff does not owe a preexisting debt subject to a federal administrative offset, then

Defendant will direct the payment of the \$7,250.00 award to Plaintiff's attorney. (Doc. 29).

Here, the Court **FINDS** the requested attorney fees and expenses are proper under

§ 2412(d)(1)(A) and (B). The Court **FURTHER FINDS** an award of \$7,250.00 is reasonable.

Accordingly, the parties' Joint Motion is **GRANTED**. Plaintiff is awarded \$7,250.00 for

attorney fees and expenses in full satisfaction of any and all claims that may be payable

to her in this matter under the EAJA. Any fees paid belong to Plaintiff, not to Plaintiff's

attorney, and can be offset to satisfy any preexisting debt that Plaintiff owes to the United

States of America. See Astrue, 560 U.S. at 593. If Defendant can verify that Plaintiff does

not owe such a preexisting debt subject to an offset, then Defendant shall direct that the

award be made payable to Traci L. Severs under the EAJA assignment. If the payment is

mailed, as compared to electronically deposited, it shall be mailed to counsel's address

of record: Traci L. Severs, LLC, P.O. Box 621, Manchester, Missouri, 63021.

SO ORDERED.

Dated: November 21, 2024

s/ David W. Dugan

DAVID W. DUGAN

United States District Judge